IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.422 OF 2006

...

Mr.Anil Sitaram Talawadekar ...Petitioner

v/s.

Angel Broking Ltd. and anr. ...Respondents

...

S. Ratna Kumar Sharma for the Petitioner.

None for the Respondents.

...

CORAM: D.K.DESHMUKH, J.

DATED: 20TH NOVEMBER,2006

P.C.:

1. By this petition filed under Section 34 of the Arbitration Act the Petitioner challenges the award made by the arbitrator appointed by the Stock

Exchange.

2. According to the Petitioner he had placed an oral order for purchase of shares. The Broker denied that any such order for purchase of shares was placed. Admittedly, the Petitioner did not lead any oral evidence to prove that he had placed an oral order for purchase of shares. The learned Counsel appearing for the Petitioner relied on reply given by the Respondent to the complaint made by the Petitioner before the Grievance Cell. That reply was referred to in the statement of claim filed by the Petitioner. The Respondent-broker has denied that he ever admitted as claimed by the Petitioner that an order for purchase of shares was made.

3. Now, it was entirely on the Petitioner to lead oral evidence to show that he had actually placed an oral order for purchase of shares. No oral evidence is led and no document is produced and therefore the arbitral tribunal has rightly held that the Petitioner has not been able to prove that he has placed an order for purchase of shares as alleged by the Petitioner. I do not find any error in the award. Petition is, therefore, disposed of.

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